

Draft Revisions

April 10, 2023

Chapter 286

HAZARDOUS MATERIALS

[HISTORY: Adopted by the Board of Health of the Town of Groton 5-16-1983, as amended through 12-3-2007. Subsequent amendments noted where applicable.] May X, 2023

GENERAL REFERENCES

Underground storage of fuels and chemicals — See Ch. 280.

Subsurface sewage disposal — See Ch. 315.

Water supply — See Ch. 325.

Wells — See Ch. 330.

§ 286-1. Purpose.

There are hereby adopted the following regulations to provide adequate safeguards from hazardous materials which pose additional present or potential hazards to public health, welfare, safety and to the environment and to establish a program to provide for safe management of all such hazardous materials.

§ 286-2. Definitions.

In this chapter, the following terms shall have the following meanings:

Biosolids – Any composted sewage sludge, composted human wastes and animal or human wastes.

DISPOSAL — The unlawful discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of hazardous materials into or on any land or water so that such hazardous materials or any constituent thereof may enter the environment or be emitted into the air or discharge into any waters, including groundwaters.

HAZARDOUS MATERIALS — A substance or combination of substances which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported used or

disposed of or otherwise managed; however, not to include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967, as amended, or source, special nuclear or by-product material, as defined by the Atomic Energy Acts of 1954. Those substances considered to be "hazardous materials" shall include, but shall not be limited to, substances considered to be toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts under the provision of MGL, Chapter 21(c) and as defined in 310 CMR 40.00 MA Contingency Plan ~

PFAS- Per- and Polyfluorinated Substances (PFAS)

REGULATIONS — Town of Groton Board of Health regulations entitled "Control and Management of Hazardous Materials."

STORAGE — The actual or intended containment of hazardous materials in a safe manner so as to prevent unlawful disposal. -

Fill- The placement of materials (earthen or otherwise) onto a property or parcel of land within the Town of Groton.

§ 286-3. Disposal restricted.

The disposal of hazardous materials or deposit of materials containing hazardous material or biosolids within the Town of Groton is hereby prohibited, except at a hazardous waste disposal facility established and maintained in accordance with applicable law. Occupancy of any existing or new premises, other than residential dwellings, is hereby prohibited, except in conformance with the provisions of this chapter.

The depositing of fill, in excess of 2, 000 yards of material onto any parcel of land within the Town of Groton shall be required to provide laboratory results documenting that the material is non-hazardous (as defined in this regulation) to include USEPA methods 8260, 8270, RCRA-5 and PFAS. Any fill used within the Town of Groton shall be "clean", MassDOT approved process material ("gravel borrow" and "ordinary borrow". The fill shall not contain any construction processed wastes nor recycled or process asphalt, brick or concrete.

§ 286-4. Control standards.

- A. All hazardous materials shall be properly stored within a building in product-tight containers protected from corrosion, accidental damage or vandalism and shall be used and handled in a manner which does not constitute disposal. An inventory of such hazardous materials stored or handled in quantities that could pose a present or potential hazard shall be maintained and reconciled with purchase, use, sales and disposal records at sufficient intervals to detect product loss. Subsurface fuel and chemical storage facilities in compliance with the Town of Groton Underground Fuel and Chemical Storage Regulation¹ and applicable Massachusetts fire prevention regulations shall be deemed to be in compliance

1. Editor's Note: See Ch. 280, Underground Storage of Fuel and Chemicals.

with this standard.

- B. No hazardous materials shall be present in materials disposed or deposited on the site. Waste materials composed in part or entirely of hazardous materials shall be retained in product-tight containers for removal and disposal by a hazardous waste licensee or as directed by the Board of Health or its enforcement officer.

§ 286-5. Administration; violations and penalties.

The provisions of these regulations shall be enforced by the Board of Health or by a designated enforcement officer appointed annually by the Board of Health.

A. Certificate of compliance.

- (1) New premises. Owners or occupants of new premises storing hazardous materials, other than residential dwellings, for which a building permit is issued after the effective date of these regulations shall obtain a certificate of compliance prior to occupying the premises.

~~(2) Existing premises. Owners or occupants of existing premises, other than residential dwellings, shall obtain a certificate of compliance before June 16, 1983, or upon any change in use or occupancy requiring a certificate of use and occupancy under Section 119.0 of the Massachusetts Building Code, whichever occurs first.~~

~~(3) Requirements. The certificate of compliance shall be issued by the Board of Health or by its enforcement officer upon demonstration by the owner or occupant that the use and occupancy of the premises are in conformance with the requirements of these regulations or, in the case of existing premises not in compliance, shall specify a compliance schedule which is reasonable with regard to the public health threat involved and the difficulty of compliance.~~

B. Compliance review.

- (1) Application for an original certificate of compliance shall be forwarded by the Board of Health or its enforcement officer to the Board of Selectmen, Conservation Commission, Fire Department and Water Department for determination that the proposed use meets all control standards. All information necessary to demonstrate compliance must be submitted, including but not limited to the following:
 - (a) A complete list of all chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities exceeding 25 gallons, accompanied by a description of measures to protect from corrosion, accidental damage or vandalism, leakage or any disposal, together with provision to control any accidental disposals.
 - (b) A description of hazardous materials to be generated, indicating the type of storage and the method and place of disposal.
- (2) Any information, record or particular part thereof obtained by the Board of Health or its enforcement officer pursuant to the provisions of these regulations shall, upon request, be kept confidential and not considered to be public record when it is deemed

by the Board that such information, record or report relates to secret processes, methods of manufacture or production or that such information, record or report, if made public, would divulge a trade secret. This section shall not prevent disclosure of any information necessary for an enforcement action.

- (3) The Board of Health or its enforcement officer shall act upon an application within 30 days of a filing. Upon failure of the Board of Health or its enforcement officer to act within 30 days, the certificate of compliance shall be deemed to be granted.
- C. Renewal application. Application shall be made for renewal of the certificate of compliance upon change in use or occupancy requiring a certificate of use and occupancy under the Massachusetts Building Code or upon significant change in materials used or stored on the premises from those described in the original application.
- D. Report of spills and leaks. Any person having knowledge of a spill, leak or other disposal of hazardous materials or violation of these regulations shall report the same to the Board of Health or its enforcement officer and the Fire Department within two hours of detection.
- E. Enforcement. The Board of Health or its enforcement officer may, according to law, enter upon any premises at any reasonable time to inspect for compliance with the provisions of these regulations. Upon demand by the owner or person in control of the premises, however, the Board of Health or its enforcement officer shall obtain a warrant authorizing such entry and inspection. Information necessary to demonstrate compliance shall be submitted by the occupant of the premises at the request of the Board of Health or its enforcement officer. If requested, samples of hazardous materials shall be provided to the Board of Health or its enforcement officer for testing. All records pertaining to hazardous materials, disposal and removal shall be retained for no less than five years and shall be made available for review within 48 hours of a request.
- F. Violation. Upon determination by the Board of Health of a violation of these regulations, the Board may issue such order as it deems appropriate to remedy the violation. The order may include a compliance schedule for those activities which the Board of Health deems reasonably necessary to abate the violation.
- G. Penalty. Violation of these regulations shall be punishable by a fine of ~~\$200~~1000 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 286-6. Severability.

It is hereby declared that the provisions of these regulations are severable, and if any provision of these regulations shall be declared unlawful by a valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions thereof.